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PATENT
09/817,009

6. (Original) The array of claim 1, wherein the density of the porous material is at least about 6 pounds per cubic foot (96.1 kg/m³).

7. (Currently Amended) The array of claim 1, wherein the exposed porous material surface is at least about 50% silicon dioxide.

8. (Currently Amended) The array of claim 1, wherein the exposed porous material surface is at least about 75% silicon dioxide.

9. (Currently Amended) The array of claim 1, wherein the exposed porous material surface is at least about 95% silicon dioxide.

10. (Original) The array of claim 1, wherein the molecules are oligonucleotides.

Claims 11 and 12 (Previously Cancelled)

13. (Original) The array of claim 1, wherein the molecules are DNA.

14. (Original) The array of claim 1, wherein the molecules are RNA.

Claims 15-36 (Previously Cancelled)

REMARKS

The application has been reviewed in light of the Office Action mailed January 22, 2003. At the time of the Office Action, Claims 1-36 were pending in this application. Applicant previously cancelled Claims 11, 12 and 15-36 without prejudice or disclaimer due to an election/restriction. The Examiner rejected Claims 1-10, 13 and 14.

Claim Rejections Under 35 U.S.C. §112

Claims 1-16 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant has amended Claims 1, and 7-9 as suggested by the Examiner.

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Claim Rejections Under 35 U.S.C. §102

Claims 1, 10 and 13 were rejected under 35 U.S.C. §102(a) as being anticipated by Glazer et al.'s "High Surface Area Substrates for DNA Arrays" in Materials Research Society Symposium Proceedings (hereinafter "Glazer et al."). Claims 1, 10, 13, and 14 were also rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,807,522 issued to Patrick O. Brown et al. "hereinafter "Brown et al.". And Claims 1, 10, 13, and 14 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 5,959,098 issued to Martin Goldberg et al. "hereinafter "Goldberg et al.").

Claim 1 has been amended (and Claims 10, 13, and 14 dependent thereon) to claim a specific "porous material," i.e., a "fused fiber porous material ... manufactured from alumina fibers, silica fibers, and a fusion source". Neither Glazer et al., Brown et al., nor Goldberg et al. disclose such a porous material. Thus, Applicant respectfully submits Claims 1-14 are patentably distinct over the cited art.

Claim Rejections Under 35 U.S.C. §103

Claims 1-10 and 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Glazer et al. and Thomas H. Elmer's "Porous and Reconstructed Glasses" in Engineered Materials Handbook Volume 4 (hereinafter "Elmer"). Further, Claims 1-10 and 13-14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Goldberg et al. and Elmer. Claims 1-10, 13 and 14 have been amended to claim a "fused fiber porous material ... manufactured from alumina fibers, silica fibers, and a fusion source." Neither Glazer et al., Goldberg et al., nor Elmer singularly or in combination teach or suggest such a "porous material." Consequently, Applicant respectfully submits that Claims 1-10, 13 and 14 are patentably distinct over any possible combined teachings of the art cited.

Double Patenting Rejection

The Examiner provisionally rejected Claims 1-10 and 13-14 based on the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-14 of co-pending Application 09/817,016 (hereinafter "'016 application") Applicant respectfully submits a Terminal Disclaimer filed in compliance with 37 C.F.R. 1.321(c) which is attached hereto. The '016 application and the instant patent application are commonly owned.

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SUMMARY

In light of the above amendments and remarks Applicant respectfully submits that the application is now in condition for allowance and early notice of the same is earnestly solicited. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone or facsimile.

It is further submitted that the application is now in condition for allowance, and early notice of the same is earnestly solicited. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the undersigned by telephone or facsimile.

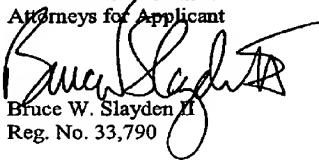
An extension of one (1) month is requested and a Notification of Extension of Time under 37 C.F.R. § 1.136 with the appropriate fee of \$55.00 is attached herewith.

Applicant encloses a Terminal Disclaimer and a check in the amount of \$55.00 (small entity) for the Terminal Disclaimer fee.

Applicant believes no further fees are due at this time, however, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 02-0383 of Baker Botts L.L.P.

Respectfully submitted,

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